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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,459	03/01/2004	Warren B. Cope	2673	9953
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EXAMINER				
ZENATI, AMAL S				
ART UNIT		PAPER NUMBER		
2614				
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10/13/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/790,459	Applicant(s) COPE, WARREN B.
Examiner AMAL ZENATI	Art Unit 2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☒ Other: _____.

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

1. Applicants' arguments, with regards to Examiner's rejection under 35 USC § 103, filed 27 September, 2010 has been fully considered but they are not persuasive.
2. Applicants argue regarding claim 1 on pages 8 of the Applicant's Response that "if call center 1005 is out of order-not if switch 1003 is out of order."

The Examiner respectfully disagrees with Applicants' arguments, first of all, communication path is important part of the functionality of the contact center. For example, if one of the communication path such as recipient/terminating switch (service control point SSP) is unable to direct the calls to the contact center, then the contact center is unable to receive calls "out of order" (See the Original Specification "SPEC", page 3, lines 5-7; and page 10, lines 1-3).

3. Moreover, Applicants argue regarding claim 1 on pages 8- 11 of the Applicant's Response that "If switch 1003 becomes disabled in Elsey, then switch 1003 could not route calls intended for call center 1005 to switch 1009, and Elsey fails for its intended purpose. Thus, Elsey does not teach or suggest at least "establishing a disaster recovery plan to terminate the at least one phone number at a second switch in response to the occurrence of a predetermined event, wherein the predetermined event is when the first switch becomes disabled..." as recited in claim 1."

The Examiner respectfully disagrees with Applicant's arguments, Elsey discloses as soon as center 1005 is identified to be out of order (for example, SSP terminating switch is disable, so 1005 cannot receive calls), then the facility switching 1003 (such as SCP) is programmed to switch/ route each call direct to 1005 to switching facility 1009 in second communication network (Elsey: col. 9, lines 36-50; fig. 8 and fig. 9). Therefore, in order to direct each call from first switch in the first communication network to the second switch in the second communication network that is required using LNP for porting (see Midwest). Therefore, Elsey and Midwest clearly teach the claim 1.

Knowing that SSP is not the only switch/device in the communication path, there are SSP, STP, SCP and LNP database (the SCP is a device that contacts the LNP database to determine if the number has been ported for routing) (see the SPEC: page 9, lines 1-5; fig. 2; and the Midwest Region: the figure in page 5). Elsey clearly teaches call to a call center at a predetermined telephone number is routed through switching facility 910, facility 910 queries network processor 907 for call routing. Therefore, Applicant cannot assume that the switching facility 910 or 1003 is the terminating switch SSP or only one switch/device in communication path (see Elsey col. 9, lines 15-25; and fig. 8 and fig. 9; Midwest page 5; and the SPEC fig. 2 and fig. 3).